

## **BYLAWS OF THE SOUTH COUNTY ADVISORY COUNCIL**

Ratified April 28, 2008

### **ARTICLE I - NAME**

The name of this organization shall be the South County Advisory Council, herein referred to as the SCAC.

### **ARTICLE II – PURPOSE AND OBJECTIVES**

Section 1: The mission of the South County Advisory Council shall be to provide a forum for citizen involvement, education and information on issues, which affect the greater part of the South County. The SCAC shall seek (a) to achieve sound community planning and development of the Nipomo and the Nipomo Mesa area through consideration of social, technological, environmental and political impacts and (b) to advocate measures to promote a safe environment for our residents and visitors.

Section 2: Resolution 96-485 of the County Board of Supervisors recognizes the SCAC as the community advisory council.

### **ARTICLE III – GEOGRAPHICAL BOUNDARIES**

Section 1: The South County Advisory Council's geographic boundaries are the South County Inland and South Coastal Planning Areas.

Section 2: For purposes of representation the South County area has been divided into seven (7) geographic areas having approximately the same population.

- Area 1 is all of the community within the Nipomo Urban Reserve Line and east of the 101 Freeway.
- Area 2 is all of the community within the Nipomo Urban Reserve Line, west of the 101 Freeway, and north of West Tefft.
- Area 3 is all of the community within the Nipomo Urban Reserve Line, west of the 101 Freeway, south of West Tefft and east of Orchard.
- Area 4 is all of the community within the Nipomo Urban Reserve Line, west of the 101 Freeway, south of West Tefft and west of Orchard.
- Area 5 is that area north of Black Lake Canyon, west of Pomeroy and south of Los Berros, outside the Urban Reserve Line.
- Area 6 is that area south of Black Lake Canyon, west of Pomeroy and Orchard, and north of Division. No part of Area 6 is within the Urban Reserve Line.
- Area 7 is that area east of Pomeroy, north of Los Berros and south of Division. No part of Area 7 is within the Urban Reserve Line.

### **ARTICLE IV - BASIC POLICIES**

Section 1: Following are the basic policies of SCAC:

- a. SCAC will be noncommercial, nonsectarian and nonpartisan.
- b. The name of the organization or names of the members in their official capacities will not be used to endorse or promote commercial concern or in connection with any partisan interest or for any purpose not appropriately related to promotion of the objectives of the organization.
- c. The organization will not directly or indirectly participate or intervene (in any way, including the publishing or distributing of statements) in any political campaign on behalf of, or, in opposition to, any candidate for public office.
- d. The organization will not enter into membership with other organizations except with the approval of the San Luis Obispo County Board of Supervisors. These organizations may cooperate with other association's organizations and/or agencies concerned with this organization's mission.
- e. No SCAC member will make commitments that bind the group he or she represents without SCAC approval. A conflict of interest through litigation or financial interest must be discussed before the SCAC prior to the individual Council member speaking on behalf of SCAC.
- f. No part of the funds of the SCAC will inure to the benefit of, or be distributable to its members, directors, trustees, officers or other private citizens. The SCAC will be authorized and empowered to pay reasonable compensation for services rendered, with SCAC approval.
- g. All funds due to the SCAC, from any cooperative solicitation, will promptly be turned over the SCAC Treasurer for deposit without condition or limitation.
- h. The loan, sale or any commercial use of SCAC records, including lists of SCAC members, addresses by any officer or member, is strictly prohibited.
- i. The SCAC will not tolerate any unlawful discrimination or sexual harassment.

#### **ARTICLE V - (DELETED)**

#### **ARTICLE VI - SCAC MEMBERS AND THEIR ELECTION**

Section 1: The SCAC shall consist of Members who legally reside within the South County Planning Areas (Inland and Coastal) as described in Article III without regard to race, color, creed or national origin, at least 18 years of age, elected by residents of same geographic area. The SCAC will be composed of 16 voting members:

- a. Geographic Representatives: There will be fourteen (14) seats on the SCAC for Geographic Representatives. The SCAC residents shall elect these Geographic Representatives, each person voting for two representatives only who reside within the geographical area in which the voter resides, as defined in Article III, Section 2. For example, only residents of Area 1 may vote for the two representatives of Area 1 (the Area 1 candidates must reside in Area 1).
- b. Special Concern Representatives: The SCAC residents shall elect two (2) Special Concern Representatives, one in each of the following areas: Agriculture and Public Safety. Each candidate should have qualifications related to the position for which they are applying.

c. Past Chairperson: The immediate Past Chairperson of SCAC is entitled to sit on the Council if he/she chooses, for one year. The past Chairperson is not a voting member. If he/she cannot or is not willing to serve, that seat shall remain vacant for the rest of the calendar year.

d. For the purposes of discussion but not voting, the Council will include three (3) ex-officio members, the immediate Past Chair, and one selected by each of the following organizations:

- Lucia Mar Unified School District (LMUSD)
- Nipomo Community Services District (NCSD)

Ex-officio members are not included in determining a quorum, nor are they required to attend general meetings but, if present, they are allowed to participate in debate of any motions presented before the council.

e. Council members shall be elected for two years. To provide continuity within the Council, only half of the seats will be up for reelection each year, that is, one per geographic area and one of the Special Concern Representatives

f. In the event of a Council member's absence, there shall be no alternate.

g. If a seat remains unfilled after the election, the position will remain vacant until filled by a qualified candidate elected in open session by the newly elected SCAC, to serve only until the next General Election. The chairman will provide public notice of unfilled seat(s) at the first general meeting. Any candidate elected by the SCAC to fill a vacant position must be a legal resident of the geographical area in which the vacant position has occurred; except that candidates for the vacant positions of Agriculture and Public Safety may be residents of any geographical area within the SCAC geographical boundaries as defined in Article III, Section 2.

h. If a Council member resigns, or is removed from office for cause by a 2/3 super-majority vote of the Council, the position will remain vacant until filled by a candidate elected by the SCAC, in accordance with the above Article VI, Section 1g. However, if a position becomes vacant after December 1, the Council may elect not to fill the vacancy.

i. Following public notice of a vacant position on the Council there will be an open application period until the next general meeting. Candidates will need to present to the SCAC a petition with signatures of eligible voters from the area they are representing: at least 10 signatures for geographical positions and 25 for Agriculture and Public Safety positions. SCAC will provide a standard petition form.

Section 2: The Term of Office of the Council members shall be two (2) years.

Section 3: Duties of the Council members shall include but not be limited to:

- a. Read, understand and abide by the SCAC bylaws, Rosenberg's Rules of Order, and the San Luis Obispo County Community Advisory Council handbook;
- b. Transact necessary business consistent with the SCAC purpose and mission;

- c. Authorize the payment of routine organizational bills within the limits of the SCAC budget;
- d. Create and approve standing committees, ad hoc committees and task forces;
- e. Fill vacancies on the SCAC;
- f. Review and approve written minutes;
- g. Read all material submitted to the Council prior to the Council or General meetings; and
- h. Function in a manner consistent with the spirit of the Brown Act.

#### Section 4: Representing the SCAC

- a. SCAC members, so long as they serve on the SCAC, shall advocate and advance those views officially adopted by the majority of the Council.
- b. All correspondence, identified as originating in the SCAC and representing the views of its members, shall be signed only by the Chairperson of the Council or, if authorized by the Council, by the Corresponding Secretary. SCAC letterhead paper shall not be used for any other purpose.

#### Section 5: Conflict of Interest

- a. No SCAC-member shall make, participate in making, or in any way attempt to use his or her position to influence the making of any decision which he or she knows or has reason to know, will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the Council member or a member of his or her immediate family or on:
  - 1. Any business entity in which the SCAC-member has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
  - 2. Any real property in which the SCAC member has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
  - 3. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the SCAC member, within 12 months prior to the time when the decision is made;
  - 4. Any organization in which the SCAC member is a director, officer, partner, trustee, employee, or holds any position of management: or
  - 5. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$340 or more provided to, received by, or promised to the SCAC-member within 12 months prior to the time when the decision is made.
- c. Voting and ex-officio members having a conflict of interest concerning any issue before the Council shall declare the nature of their conflict of interest and

recluse themselves, moving to sit with the general public before discussion begins and staying there until the issue is concluded.

d Voting and ex-officio members, speaking as private citizens, may represent persons or other legal entities before the Council, taking only such time as applicants are normally allowed by the Chair and not participating in the discussion once the matter is closed to public comment.

Section 6: The Council members shall meet at least once a month unless otherwise determined by the SCAC.

Section 7: Each member of the SCAC will participate in Council functions to include but not limited to: General and Special Meetings, and, as time allows, other events and functions that may arise in the course of the year.

Section 8: In the event (a) an SCAC member fails to attend three (3) consecutive Council or General Meetings, or (b) if the Council member is not fulfilling the responsibilities of the office as described in the SCAC Bylaws and standing rules, or (c) if the Council member engages in conduct clearly injurious to the organization or its purposes, the SCAC may conduct a vote and declare his/her office vacant, by a 2/3 majority.

Section 9: Every individual who is a Council member in good standing of the SCAC is entitled to all the benefits of such membership.

## **ARTICLE VII –ELECTIONS**

The SCAC shall hold an election of new Council members in March of each year.

Section 1: Election Committee.

a. This ad hoc committee shall conduct the annual election of the SCAC. This committee shall be established ninety (90) days prior to the election and dissolved sixty (60) days after the election.

b. The Election Committee shall consist of 5 to 7 members. The SCAC shall appoint the Chairperson. The Election Committee is subject to Article X, Section 3 of the Bylaws.

c. The SCAC election shall be the responsibility of the Election Committee and its Chairperson. In the absence of the Election Committee Chairperson by reason of illness or otherwise, the Election Committee Vice Chairperson will preside over the Committee.

d. The present Chairperson of the SCAC Council shall be a member of the Election Committee but may not hold the position of Election Committee Chairperson or Vice Chairperson.

e. The Chairperson of the SCAC shall be present in the counting of all ballots, including recounts. In the event that the SCAC Chairperson is not available by reason of illness or otherwise, the SCAC Vice-Chairperson shall be present at the counting of all ballots and recounts.

Section 2: Election Process

a. Candidates shall file their application to run for a seat on the SCAC, with the Election Committee, no sooner than four (4) weeks prior to the beginning of the

town hall meeting referenced in paragraph c below, and no later than the opening of said town hall meeting.

b. A candidate may run for only one office.

c. The election date and the candidates will be announced in one or more local newspapers. A town hall meeting shall be organized by the Election Committee at least one week and not more than three weeks prior to the election, allowing the public to meet and question the candidates.

d. On Election Day, there shall be one polling place, centrally located at the Nipomo Library, the NCSD Building, or a similarly locally situated and publicly accessible place. Voting will be permitted between the hours of 11 a.m. and 8 p.m. The polling site shall officially close at 8 p.m.

e. Electioneering of any kind, including the distribution of voter recommendations, campaign literature, or other such materials shall be strictly prohibited within 100 feet of the polling place.

f. There shall be one ballot per geographical area (printed on a different color of paper). Each ballot will contain the geographical candidates for that area and the candidates common to all areas (i.e., Agriculture and Public Safety representatives).

g. Voters shall be residents of the geographical area they are voting for and shall be at least 18 years of age. Residency shall be verified by cross-checking the Voter Registration list, or by the voter providing a picture ID and other proof of residence.

h. Each voter shall sign in by printing his or her full name and residence address and signing the official Voter Roster maintained by the Election Committee. Each voter may vote only once.

i. Marked ballots shall be deposited in a locked ballot box. These ballots will be counted when the polling place officially closes and in presence of at least a majority of the Election Committee members.

j. Candidates for office may serve on the Election Committee, but may not handle the ballots.

k. Any office not being contested by the application deadline (paragraph a) or the town hall meeting (paragraph c) will be filled by the applicant(s) and not appear on the ballot. In the event no offices are contested, there will be no formal election, and the offices will be considered filled outside the election process of Section 2.

### Section 3: Validating an Election.

a. The election validation process shall be complete when all the ballots are counted and there is no disputing of the election per Section 5 below or, if contested, when any ballot recounts are completed and all disputes against the election are concluded.

b. Invalid ballots (i.e., forged, counterfeit, photocopied, defaced, unreadable, left blank or showing more than one candidate selected) are null and void and shall be automatically disqualified by the Election Committee.

- c. If one or more geographical seats are contested and no other part of the election is being contested, the uncontested seats in the election can be validated by a majority vote of the Election Committee.
- d. If the election of either Special Concern representative (i.e., Public Safety and Agriculture) is contested, the uncontested seats in the election can be validated by a majority vote of the Election Committee.
- e. There shall be no declared winner for a seat until the Election Committee evaluates any challenges and the Election Committee Chairperson submits the Committee's findings.

#### Section 4: Ballot Inspection.

A person wishing to examine the counted ballots shall not be required to file a written request; but any person finding a discrepancy and wishing to protest it, must submit a written statement contesting the election returns, as outlined in Article VII, Section 5, below.

#### Section 5: Contesting the Election of Candidates.

- a. A person wishing to contest an election must file a written statement with the Election Chairperson within five (5) days after the close of the election. It must state the nature of the protest and must reference what part of the SCAC Bylaws is applicable.
- b. If the winning candidate for an area is disqualified and there is no other candidate for that area, then after all phases of the contested election have been resolved, the newly elected SCAC, in accordance with Article VI, Section 1g, shall elect that area's representative.
- c. If the winning candidate for an area is disqualified and there is one other qualified candidate left on the ballot, then that person is elected to that position by default.
- e. If a protest is filed, challenging the ballots for a particular geographical area, then that area's ballots shall be examined and any ballots found invalid shall be removed. The winning candidate shall be determined by a recount of the remaining valid ballots.
- f. A disqualified candidate for a position cannot be appointed or elected by the SCAC to that position, during the current calendar year.
- g. Any part of the election that has been contested shall be duly noted in the Election Committee's Minutes and a copy of the protest shall be attached thereto, together with a signed and dated affidavit from the Election Committee Chairperson, summarizing the Committee officials' findings.
- h. All recounts of contested positions shall be witnessed by a majority of the Election Committee under the supervision of the Committee Chairperson, and the SCAC Chair or the SCAC Vice-chair.

#### Section 6: Election of Officers.

When the election has been validated and no sooner than five (5) days after the date of the election, the new SCAC shall meet to elect the Officers of the Council.

- a. Annually, the new SCAC shall elect the Officers of the Council, from the new voting members of the Council. The only exception to this is the Immediate Past Chair, who automatically assumes the seat reserved for that position.
- b. Officers of this Council shall consist of the Chairperson, Vice Chairperson, Corresponding Secretary, Recording Secretary, Treasurer, and Immediate Past Chairperson.
- c. Officers shall be elected by a majority vote of the SCAC and shall serve a term of one calendar year.
- d. The Council will fill a vacancy occurring in any office for the unexpired term. Officers will be elected by majority vote

## **ARTICLE VIII - DUTIES OF SCAC OFFICERS**

### **Section 1: Chairperson**

- a. Preside at all meetings of the SCAC and set the agenda with input from the Council members;
- b. Coordinate the work of the officers, committees, subcommittees, task forces of SCAC in order that the objective may be fulfilled;
- c. Attend or appoint a representative to attend the Board of Supervisors, Planning Commission and other meetings that may affect SCAC;
- d. Be the official SCAC representative;
- e. Conduct the SCAC affairs and execute the policies established by the SCAC;
- f. Be a voting member of the Council;
- g. Recommend committees chairpersons, to the SCAC members, for ratification;
- h. Send agendas of General meetings to membership and media;
- i. Open the meeting after ascertaining a quorum is present; then, conduct the meeting through the order established in the agenda; and
- j. When matters affecting SCAC's area of influence are discussed at Council meetings, with as much public input as feasible, and when a decision to support or not to support a proposal is made by a majority vote of a quorum of members of the Council, the Chairperson shall communicate the decision to the Board of Supervisors, the Planning Commission, relevant County departments or organizations, and other interested parties. The communication shall be in the form of a letter on Council stationery, sent electronically to the appropriate persons and/or groups. When suitable, the chairperson shall further convey the decision of the Council by attending and testifying before said Board or Commission, or shall appoint a representative to perform that function.

### **Section 2: Past Chairperson:**

Assist the Chairperson on an as needed basis.

### **Section 3: Vice-Chairperson:**



- a. In the absence or disability of the Chairperson, the Vice-Chairperson will perform the duties of the Chairperson, and, in the absence of both, the Recording Secretary will assume the function of Chairperson;
- b. Insure that each Council member is provided a copy of the bylaws, Rosenberg's Rules of Order, and the San Luis Obispo County Advisory Council Handbook, and encourage all members to participate in County sponsored training; and
- c. Carry out such duties as may be assigned by the Chairperson.

Section 4: Recording Secretary:

- a. Keep an accurate written record of the proceedings of all meetings of the SCAC;
- b. Keep an SCAC bound book containing all minutes with a copy of unapproved and SCAC approved minutes;
- c. Be prepared to refer to written minutes of previous meetings;
- d. Prepare a list for the Chairperson of all unfinished business;
- e. Keep a current list of all SCAC members and their attendance, and report excessive absences;
- f. Keep a current copy of the SCAC Bylaws and standing rules to refer to at all SCAC meetings;
- g. Call the meeting to order if both the Chairperson and Vice Chairperson are absent; and
- h. Perform such other duties as may be delegated by the Chairperson.

Section 5: Corresponding Secretary:

- a. Conduct all necessary SCAC correspondence authorized by the Chairperson and/or SCAC; and
- b. Perform such other duties as may be delegated by the Chairperson.

Section 6: Treasurer:

- a. Keep such permanent books of account and records as will be sufficient to establish the items of gross income, receipts and disbursements of the SCAC;
- b. Receive all monies for the SCAC, giving receipt therefore, deposit monies in the name of SCAC in the bank approved by the SCAC, and receive and retain a copy of the deposit slip for any deposit made;
- c. Pay all bills as authorized by the SCAC and on receipt of invoices signed by the Chairperson;
- d. Keep an accurate record of receipts and disbursements in a ledger that is a permanent record. All other financial records must be retained for seven (7) years including the current year;

- e. Keep the membership informed of expenditures as they relate to the budget adopted by SCAC;
- f. Present a statement of the account at the monthly meetings or when requested by the SCAC;
- g. Be responsible for completing all necessary report forms required by the SCAC, or the County of San Luis Obispo, and tax filing forms required by government agencies;
- h. Present an annual financial report to the SCAC, which includes gross receipts and disbursements for the year;
- i. Be authorized to sign check along with the Chairperson and Vice-Chairperson. There must be two signers on every check over \$250. The authorizers will not be related by blood or marriage nor shall they reside at the same address; and
- j. Prepare a budget for the ensuing fiscal year and submit it in draft to the council to be voted on by the February general meeting. Upon approval, the budget shall be submitted to the Fourth District Supervisor's office no later than July 30<sup>th</sup> of the same year.

Section 7: Upon the expiration of the term of office or in the case of resignation each officer will turn over to the Chairperson within ten (10) days of resignation or removal, all records, minutes, books and other materials pertaining to the organization or office. All materials and funds pertaining to the SCAC Treasurer's office will be returned within ten (10) days of resignation or removal.

## **ARTICLE IX - MEETINGS**

### **Section 1: General Meetings**

- a. General meetings are held on a regular basis with the date and times determined by the SCAC.
- b. General meeting notices shall be provided to the local media and posted on the SCAC website. General meetings are held for the purpose of gathering public input, speaking on issues and projects and exchanging information.
- c. General meetings are held to conduct the business of SCAC.
- d. The Chairperson or three Council Members, upon written request or verbal notice sent at least three (3) days prior to the meeting, may call special meetings.
- e. The privilege of making motions and voting will be limited to the Council members that are present at the meeting.
- f. The presence in person of one half (1/2) plus one of the SCAC members is necessary to constitute a quorum.
- g. All meetings of the SCAC and its committees shall be open to the public.
- h. In all matters and things not otherwise provided herein, the proceeding of the Council shall be governed in spirit of the Rosenberg's Rules of Order, 2003 issue.

i. All motions are to be submitted in writing to the Chairperson. The motion must identify the presenter and the second. These motions will become part of the permanent record of the Council.

j. Council members shall at all times conduct themselves with courtesy to each other, and to members of the audience present at council meetings. During council meetings, the Chairperson shall require that the audience give the council members the same respect.

## **ARTICLE X - COMMITTEES**

Section 1: There may be committees created by the SCAC as required to carry out the work of the SCAC. No committee shall make policy for the SCAC, but shall present recommendations, motions and outcomes from last committee meeting at the next SCAC meeting, for revision and approval.

Section 2: The SCAC may create ad hoc committees on an as needed basis. The duties of the ad hoc committees shall be outlined at the time of appointment. The ad hoc committees meet on irregular basis, but report to the Council as needed. The committee shall be dissolved when its final report has been made to the Council. Any SCAC members or community members may chair these committees.

Section 3: Each committee will have a chairperson elected by the Council. To be elected, the committee chairperson must be present at the SCAC meeting to be able to answer questions and comments regarding that position, from the SCAC members and from the public. The committee chair will present the plans of work to the SCAC for approval. Work will be undertaken with the approval of the SCAC. After a committee is formed and prior to beginning work, the committee chairperson will provide the SCAC with a written mission statement, plan of action and goals, as well as a list of the committee members. The SCAC will review and may approve the plan. All committee updates must be brought to SCAC for approval.

Section 4: The existing standing committees are as follows:

- a. Traffic and Circulation
- b. Parks and Recreation
- c. Land Use
- d. Website

Section 5: Example of ad hoc committees

- a. General Plan Amendment (GPA)
- b. Bylaws
- c. Election
- d. Finance and Audit

Section 6: Items common to all standing committees follow.

- a. The chairperson of each committee shall select a vice chair, subject to a majority vote by the committee members.
- b. The committee shall meet on a regular basis at least monthly.
- c. Standing committees will publish their agendas at least 72 hours prior to their meetings. Draft minutes of all meetings shall be published to the SCAC website within ten (10) days following such meetings.
- d. Every agenda shall provide for a period of public comments on matters within the committee's scope of interest but which are not on the agenda. Public comment shall be limited at the committee chair's discretion, provided time limits are applied equally to all persons desiring to speak.
- e. Committee members may vote on motions only if they have attended the last 3 out of 5 committee meetings or have attended all committee meetings since the committee reformulation (usually after the March election).
- f. The minutes of the meeting shall reflect the committee members' attendance as well as a record of all motions.
- g. In the event of conflicts of interest, the SCAC Bylaws shall apply to all Committees and their members.
- h. The spirit of the Brown Act Compliance, as stated in the SCAC Bylaws, shall apply to all Committees and their members.

Section 7: Items specific to the Finance/Audit Committee follow.

- a. This committee will be composed of at least three persons. The Treasurer may not be a member of this committee.
- b. The committee shall be responsible for an annual audit of the treasury books.

#### **ARTICLE XI - BYLAWS AMENDMENTS**

Section 1: The Bylaws of the SCAC will not be in conflict with any Federal, State or County laws. Any portion of these Bylaws found in conflict shall be nullified.

Section 2: These Bylaws may be amended, appealed, or altered in whole or in part by 2/3 majority of the SCAC members subject to adequate notice of all SCAC members.

Section 3: The Bylaws will be submitted to the Fourth District Supervisor.

Section 4: Bylaws amendments shall be submitted to the SCAC and the public for a 4 week review prior to the SCAC voting on such proposed amendments.

#### **ARTICLE XII - FISCAL YEAR**

Section 1: The fiscal year of SCAC will begin July 1 and end June 30

#### **ARTICLE XIII - PARLIAMENTARY AUTHORITY**

The Chairperson shall conduct all meetings in an orderly manner.

**BYLAWS APPROVAL**

These Bylaws have been duly approved by the SCAC at a meeting on  
April 28, 2008 at Nipomo, CA and will become effective immediately.

- Chairperson \_\_\_\_\_ Date \_\_\_\_\_
- Recording Secretary \_\_\_\_\_ Date \_\_\_\_\_